

Appl. No.: 10/029,968
Amdt. dated 01/30/2006
Reply to Official Action of October 31, 2005

REMARKS/ARGUMENTS

This Reply is being filed in response to the final Official Action of October 31, 2005. The present application includes pending Claims 19-40, of which the final Official Action rejects Claims 19-30 and 34-40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,580,459 to Uchino, in view of U.S. Patent No. 6,023,292 to Wakui. The final Official Action then rejects the remaining claims, namely Claims 31-33, under 35 U.S.C. § 103(a) as being unpatentable over the Uchino patent in view of the Wakui patent, and further in view of U.S. Patent No. 6,304,728 to Bittner. As explained below, Applicant respectfully submits that the claimed invention is patentably distinct from Uchino, Wakui and Bittner, taken individually or in combination, and accordingly traverses the rejections of the claims as being unpatentable over various combinations thereof. In view of the remarks presented herein, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application. Alternatively, as the remarks presented herein do not raise any new issues or introduce any new matter, Applicant respectfully requests entry of this correspondence for purposes of narrowing the issues upon appeal.

Briefly, Uchino discloses a digital camera that includes an infrared light emitter for supplying infrared light to an image sensing unit, and an optical filter including an infrared cut filter and a visible light cut filter for selectively acquiring a visible light image and an infrared light image. Wakui discloses a digital camera having infrared light emitting and receiving elements for emitting and receiving infrared light, respectively, to thereby determine the position of the digital camera to different objects or communicate with other devices. Finally, Bittner discloses a camera having a lens cover movable between a covered position in which it covers a lens of the camera, and an uncovered position in which the lens is exposed.

As background, the present patent application is directed to a mobile communication terminal including a digital camera and an infrared transceiver. More particularly, independent Claim 29 provides a mobile communication terminal including a digital camera having an angle of view. As recited, the mobile communication terminal also includes an infrared transceiver for emitting a beam of infrared light through an infrared port and through which a wireless connection is also provided between the terminal and other devices. The angle of view of the

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digital camera and the infrared light beam are directed such that the emitted infrared light beam overlaps a substantial part of the angle of view so that objects in the angle of view may be illuminated by the infrared light beam, and such that the transceiver receives through the port infrared light reflected by the objects illuminated by the beam of infrared light.

A. *Claims 19-30 and 34-40 are Patentable over Uchino in view of Wakui*

In contrast to independent Claim 29, and contrary to assertions of the final Official Action, Applicant respectfully submits that neither Uchino nor Wakui, taken individually or in combination, teach or suggest a mobile communication terminal that includes a camera, and a transceiver for both (a) illuminating objects in the angle of view of the camera, and (b) providing a wireless connection between the terminal and other devices. In this regard, the Official Action alleges that Uchino discloses a mobile communication terminal including a camera and a transceiver for illuminating objects in the angle of view of the camera. The Official Action concedes, though, that Uchino does not teach or suggest a transceiver providing a wireless connection between the terminal and other devices. For this claimed feature, the Official Action cites Wakui, and alleges that one skilled in the art would have been motivated to add this feature to Uchino to disclose the claimed invention. Applicant respectfully disagrees.

1. *Uchino does not Teach/Suggest the Claimed Transceiver*

Although the Official Action concedes that Uchino does not teach or suggest a transceiver for providing a wireless connection between the terminal and other devices, the Official Action asserts that Uchino discloses a transceiver, and that a receiving portion of the transceiver is the charge-coupled device (CCD) of the disclosed camera. Applicant respectfully submits, however, that under no reasonable interpretation does the CCD of the Uchino camera correspond to any receiving portion of the transceiver of the claimed invention. According to the MPEP, pending claims must be given their broadest reasonable interpretation that must not only be consistent with the specification, but also with the interpretation that those skilled in the art would reach. MPEP § 2111 (*citing In re Corright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999)). In the instant case, Applicant respectfully submits that under no circumstance would one skilled in

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the art reasonably interpret the CCD disclosed by Uchino as corresponding to a receiving portion of a transceiver. As is readily understood by those skilled in the art, CCDs and transceivers are configured and utilized for completely different functions. In this regard, the CCD disclosed by Uchino is configured and utilized for capturing images. The transceiver, or more particularly any receiving portion of the transceiver, recited by the claimed invention is configured and utilized for communicating with other devices. Moreover, as the claimed invention recites a camera and transceiver as separate elements of the mobile communication terminal, any interpretation that the transceiver includes a portion of the camera (i.e., CCD) would be illogical. One skilled in the art would therefore not reasonably interpret the disclosed CCD as corresponding to the recited transceiver, or any receiving portion thereof. Accordingly, contrary to the assertions of the Official Action, Uchino does not teach or suggest a transceiver such as that recited in independent Claim 29.

2. *Wakui does not Teach/Suggest the Claimed Transceiver*

Similar to Uchino, Wakui does not teach or suggest a transceiver that both illuminates an angle of view of a camera, and provides a wireless connection, as recited by independent Claim 29. As indicated above, Wakui does disclose a camera including infrared light emitting and receiving elements for emitting and receiving infrared light, respectively, to communicate with other devices. And although Wakui also discloses a CCD, Wakui does not disclose that the light emitting element also illuminates the angle of view of a camera, or more particularly the disclosed CCD, similar to the transceiver of independent Claim 29.

3. *The Combination of Uchino/Wakui does not Teach/Suggest the Claimed Invention*

Even if one skilled in the art combined Uchino and Wakui, Applicants respectfully submit that the combination still does not teach or suggest the transceiver recited by independent Claim 29. In this regard, Uchino discloses an infrared light emitter for supplying infrared light to a CCD. Wakui, on the other hand, discloses a camera including infrared light emitting and receiving elements for communicating with other devices. At best, and due to simplicity of

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modification, then, the combination of Uchino and Wakui discloses a camera including an infrared light emitter for supplying infrared light to a CCD, and also infrared light emitting/receiving elements for communicating with other devices. And while this combination may provide an additional wireless communication function, as asserted by the Official Action, the combination does not read on the claimed invention. Rather, instead of including separate elements for supplying infrared light and providing a communications link, in accordance with independent Claim 29, on the other hand, the same transceiver performs both functions (i.e., illuminating objects in the angle of view of the camera and providing a communications link).

Moreover, Applicant respectfully submits that not only would one skilled in the art not be motivated to further modify the combination of Uchino and Wakui to supply both the illuminating and communications functions from the same transceiver, but that any attempt to assert such a motivation can only be made through impermissible hindsight. *See In Re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) (explaining that “[c]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure of a blueprint for piecing together the prior art to defeat patentability — the essence of hindsight”).

For at least the foregoing reasons, Applicant respectfully submits that independent Claim 29, and by dependency Claims 30-33, is patentably distinct from Uchino and Wakui, taken individually or in combination. Applicant also respectfully submits that independent Claim 34 recites subject matter similar to that of independent Claim 29, including providing a terminal including a transceiver that both illuminates objects and provides a wireless connection between the terminal and other devices. Thus, Applicant respectfully submits that independent Claim 34, and by dependency Claims 35-40, is also patentably distinct from Uchino and Wakui, taken individually or in combination, for at least the same reasons given above with respect to independent Claim 29. As such, Applicant respectfully submits that the rejection of Claims 19-30 and 34-40 as being unpatentable over Uchino in view of Wakui is overcome.

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B. Claims 31-33 are Patentable over Uchino in view of Wakui and further in view of Bittner

As explained above, neither Uchino nor Wakui teach or suggest a transceiver that both illuminates an angle of view of a camera, and provides a wireless connection, as recited by independent Claim 29 and by dependency Claims 31-33. Similarly, Applicant respectfully submits that Bittner also does not teach or suggest the transceiver of the claimed invention. Thus, as none of Uchino, Wakui and Bittner individually teach or suggest the aforementioned claimed feature, no combination of Uchino, Wakui and Bittner teach or suggest this feature. Thus, Applicant respectfully submits that dependent Claims 31-33 are patentably distinct from Uchino, Wakui and Bittner, taken individually or in combination, for at least the same reasons given above with respect to independent Claim 29.

Further, Applicant respectfully submits that various ones of dependent Claims 31-33 recite features further patentably distinct from Uchino, Wakui and Bittner, taken individually or in combination. For example, dependent Claim 33 further recites a handle having a first position associated with a first position (covering the camera lens) of a lens cover, and a second position associated with a second position (exposing the camera lens) of the lens cover. As also recited, the second position of the handle is also associated with the first position (covering the camera lens) of an infrared filter. Further, the handle has a third position associated with the second position (exposing the camera lens) of the infrared filter.

In contrast to the handle of dependent Claim 33, none of Uchino, Wakui and Bittner, taken individually or in combination, teach or suggest a handle having three positions. The Official Action concedes that Uchino and Wakui fail to teach or suggest a lens cover, and accordingly those references also fail to teach or suggest a handle associated with a lens cover. Nonetheless, the Official Action alleges that Bittner discloses this feature of the claimed invention. As indicated above, Bittner discloses a camera having a lens cover movable between a covered position in which it covers a lens of the camera, and an uncovered position in which the lens is exposed. Thus, at best one could argue that Bittner discloses a handle having two positions associated with the two positions of the disclosed lens cover. Nowhere, however, does Bittner teach or suggest a handle including a third position, as recited by dependent Claim 33,

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much less a handle having a third position associated with a position (i.e., second position) of an infrared filter exposing a camera lens. In fact, although the Official Action cites FIGS. 2 and 3 of Bittner as disclosing the first and second handle positions, the Official Action itself fails to cite any portion of Bittner disclosing a third handle position.

For at least the foregoing reasons, Applicant respectfully submits that dependent Claims 31-33 are patentably distinct from Uchino, Wakui and Bittner, taken individually or in combination. As such, Applicant respectfully submits that the rejection of Claims 31-33 as being unpatentable over Uchino in view of Wakui, and further in view of Bittner, is overcome.

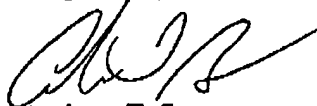
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CONCLUSION

In view of the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues. As explained above, no new matter or issues are raised by this Reply, and as such, Applicant alternatively respectfully requests entry of this Reply for purposes of narrowing the issues upon appeal.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

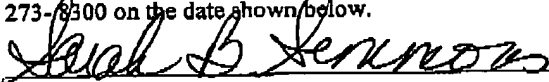


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